

REMARKS

I. Status

Claims 1, 2, 5-17, 19, and 20 remain in the application. Claims 3, 4 and 18 are hereby cancelled. Claims 1, 2, 5, 6, 13-17, and 19 are hereby amended as shown in the attached marked up copy of the claims.

II. Amendments to the Claims

Independent claim 1 was rejected as being indefinite. The means for attaching the padlock to the door was not stated explicitly in claim 1, but various means would be obvious to one skilled in the art, such as welding or adhesive, or the screws or friction fit disclosed in the original specification. The housing is not necessarily required to attach the lock to the door; however, the preferred embodiments of the invention include a lock housing. The housing is therefore added to claim 1. Again, means for attaching the housing are obvious to one skilled in the art and include welding, adhesive, or mechanical fasteners such as screws.

Independent claim 1 is amended to read:

“A secure enclosure enclosing a secure compartment for storing items; including:

- a doorway for access to said secure compartment;

- a hasp;

- a door for covering said doorway, movable between an open position providing access to said secure compartment through said doorway and a closed position preventing access to said secure compartment through said doorway; including:

- an inside surface facing said secure compartment; and

- an outside surface opposite said inside surface;

- a lock housing attached to said door;

- a rotary shackle padlock mounted rigidly within said lock housing; including:

- a body;

- a rotary shackle movable between a locked position and an unlocked position; and

- rotary shackle drive means for moving said rotary shackle between locked and unlocked positions;

said rotary shackle padlock ~~rigidly attached to said door~~ mounted within said housing such that said rotary shackle engages said hasp to secure said door in the closed position; and such that said body of said rotary shackle padlock cannot move relative to said door; and such that said rotary shackle drive means is available for use.”

The added matter is derived from original claim 3, now cancelled, and is further supported by Figure 1 and the specification, such as page 4, last paragraph. In view of the amendment and argument above, amended claim 1 is not seen to be indefinite and withdrawal of the rejection is requested.

Independent claim 1 was also rejected as unpatentable over Garner (USPN 6,463,769) and Taylor (USPN 6,234,388). A major benefit of the secure enclosure of the present invention derives from the fact that the rotary padlock is **“mounted rigidly within said lock housing” “such that said rotary shackle drive means is available for use”** as claimed in amended claim 1. As noted in the specification, page 3, lines 9-12, “Unlocking the door to the secure compartment can be done with only one hand because the rotary shackle padlock does not need to be moved to unlock it. The rotary shackle padlock remains in the housing and the key remains in the keyway when the door is open, so the open lock does not have to hold while retrieving the mail.” This is a great convenience when retrieving small items, such as mail, from the secure enclosure. After the mail or other item is removed from the enclosure, the mail may be held in one hand while the other hand locks the padlock by turning the key.

Garner discloses a “housing or box or enclosure 19 for a padlock... The bottom of the box 19 is open to receive a padlock” (column 3, lines 6-9). Garner does not teach or suggest that **“said body of said rotary shackle padlock cannot move relative to said door,”** as claimed in amended claim 1. In fact, Garner adds in column 3, lines 45,46 that “Moreover, while a front keyed padlock is illustrated, it is obvious that a bottom keyed padlock may also be used.” As discussed in the specification for the present invention, the body of a front keyed padlock must move to allow the shackle to be locked or unlocked. Garner’s statement that a bottom keyed padlock may be used is clear evidence that the padlock is not **“mounted rigidly within said lock housing,”** as claimed

by the Applicant. Thus, Garner does not anticipate the present invention.

Garner's enclosure is merely a cover that protects a locked padlock from being cut with a bolt cutter. Garner states in column 3, lines 18-22, "With the door closed, and the fixed hasp plate 30 extending through the aperture 18, the padlock 40 may be inserted upwardly through the open bottom of the housing 19 and the shackle of the padlock 40 may then be inserted through the aperture 32 in the hasp plate." Inspection of Garner's drawings confirms that the lock is not attached to or supported by the housing 19. The lock dangles from hasp plate 30 by its shackle.

Garner's padlock must be removed from the hasp aperture in order to open the door. Because the lock is not mounted within the housing, the open lock must be either held or set down when opening the door 8 of the truck 2. Garner does not suggest any motivation or means for one-handed operation of the padlock, because it would not provide any benefit to a person unloading cargo from a truck. In short, Garner's enclosure helps deter cutting of the lock shackle by a thief but provides no other benefit. The present invention is thus not obvious from Garner, even in combination with Taylor (USPN 6,234,388), because Taylor '388 does not teach or suggest any benefit of a rotary padlock that is **"mounted rigidly within said lock housing" "such that said rotary shackle drive means is available for use."** Taylor '388 does not discuss any locking of an enclosure.

Using the present invention, a twist of the key is the only action needed to unlock and open the door of the enclosure. The lock does not have to be touched, removed, set down, or held by the user. Because of this feature, the secure enclosure of the present invention is especially well adapted for holding small items such as mail, because the user can hold the retrieved items in one hand while re-locking the enclosure with the other hand.

The padlock protected by Garner's enclosure, however, requires the use of two hands to unlock and to re-lock the padlock. While the door is open, the padlock must be held or set down somewhere. Garner's enclosure does not make the padlock any easier or more convenient to use.

In view of the amendments and the above arguments, claim 1 is seen to be allowable and allowance is requested.

Claim 2 is amended to read; “The secure enclosure of claim 1; wherein said ~~rotary-shackle padlock~~ lock housing is attached to said outside surface of said door” so as to be in agreement with amended claim 1. Claim 2, depending upon now-allowable claim 1 and reciting further patentable subject matter, is seen to be allowable and allowance is requested.

Claims 3 and 4 are cancelled.

Claim 5 is amended to be dependent upon amended claim 2. Claim 5, depending ultimately upon now-allowable claim 1 and reciting further patentable subject matter, is seen to be allowable and allowance is requested.

Claim 6, originally dependent upon claim 3, was rejected as being indefinite. Claim 6 is amended to be dependent upon amended claim 1. In view of the amendment of claim 1, claim 6 is seen to be allowable and allowance is requested.

Claims 7-12, ultimately dependent upon allowable claim 1, are seen to be allowable and allowance is requested.

Claims 13-15, 18, and 19 were objected to for use of the term “lock lock” instead of “lock.” The error has been corrected in claims 13-15, and 19. Claim 18 is cancelled.

Independent claim 13 was rejected as unpatentable over Garner and Taylor ‘388. The arguments presented above for independent claim 1 also apply to independent claim 13. Independent claim 13 is neither anticipated by Garner nor obvious from Taylor ‘388 in view of Garner. In view of those arguments, independent claim 13 is seen to be allowable and allowance is requested.

Claims 14 and 15, ultimately dependent upon allowable claim 13 and reciting further patentable subject matter, are seen to be allowable and allowance is requested.

Independent claim 16 was rejected as indefinite and unpatentable over Taylor '388 in view of Garner.

Independent claim 16 is hereby amended to read:

“A secure mailbox; including:

an enclosure; including:

a front wall;

a back wall;

a pair of side walls; and

a top; said front wall, said back wall, said pair of side walls, and said top connected together to enclose:

a receiving compartment; including:

a tunnel; including:

a hatch for depositing items into said receiving compartment;

and

a secure compartment; and

secure access means providing access to said secure compartment; including:

a hasp;

a door, movable between an open position providing access to said secure compartment and a closed position preventing access to said secure compartment; including:

an inside surface facing said secure compartment; and

an outside surface opposite said inside surface;

a rotary shackle padlock; including:

a body;

a rotary shackle movable between a locked position and an unlocked position; and

rotary shackle drive means for moving said rotary shackle between locked and unlocked positions; and

a lock housing attached to said door for rigidly attaching said rotary shackle padlock to said door such that said rotary shackle, in the locked position, engages said hasp to lock said door in the closed position; and such that said rotary shackle drive means is available when said door is locked; and such that said lock housing reinforces said body of said rotary shackle padlock .

~~said rotary shackle padlock rigidly attached to said door such that said rotary shackle engages said hasp to secure said door in the closed position; and such that said body of said rotary shackle padlock cannot move relative to said door; and such that said rotary shackle drive means is available for use.~~

The added matter was originally presented in claim 13 and clarifies the means by which the padlock is attached to the door. In view of this amendment and the arguments presented for claim 1 regarding the patentability over Garner and Taylor '388, independent claim 16 is seen to be allowable and allowance is requested.

Dependent claim 17 is amended to specify "lock housing" attached to the door instead of the lock in order to be in agreement with amended independent claim 16. Claim 17 is seen to be allowable and allowance is requested.

Claim 18 is cancelled.

Claim 19 is amended to be dependent upon allowable independent claim 16. Claim 19 is seen to be allowable and allowance is requested.

Claim 20, dependent upon now-allowable independent claim 16 and reciting further patentable subject matter, is seen to be allowable and allowance is requested.

In view of the amendment and the remarks Claims 1, 2, 5-17, 19, and 20 are seen to be in condition for allowance and allowance is requested.

The Examiner is requested to contact the undersigned at (619) 234-4034 if it will aid in the disposition of this application.

Sincerely,

A handwritten signature in black ink, appearing to read 'Calif Kip Tervo', written over the printed name.

Calif Kip Tervo
Attorney for Applicant
Registration No. 31,308

Calif Kip Tervo, Esq.
6387 Caminito Lazaro
San Diego, California 92111
(619) 234-4034